



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM November 3, 2016 7:00 PM

### Councillors:

Jessica Rapp Grassetti  
President  
Precinct 7

Eric R. Steinhilber  
Vice President  
Precinct 2

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Crocker  
Precinct 5

William Crocker, Jr.  
Precinct 6

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Sara Cushing  
Precinct 10

Philip N. Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
  - **Acceptance of the Town Council 2017-2018 Strategic Plan**
- 9. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: November 17, 2016**

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**A. OLD BUSINESS**

2015-005 Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of Tract 1 of the West Barnstable Conservation are shown on Assessors’ Map 86 as Parcel 1, recorded in Barnstable County Registry of Deeds Book 2846, Page 129 and a ± 17 acre parcel shown on Assessors’ Map 314 as Parcel 027001, recorded in Barnstable County Registry of Deeds Book 5077, Page 300 **(May be acted upon) (Roll call 2/3 vote)**..... 4-5

2015-006 Petitioning the General Court of the Commonwealth to enact Special Legislation approving the change in care custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of Tract 1 of the West Barnstable Conservation area as shown on Assessors’ Map 86 as Parcel 1 and a ± 17 acre parcel shown on Assessors’ Map 314 as Parcel 027001, recorded in Barnstable County Registry of Deeds Book 5077, Page 300 **(May be acted upon)** ..... 6-8

2017-026 Appointments to a Board/Committee/Commission: **Board of Governors of the Steamship Authority:** Robert R. Jones, as a representative member of Barnstable, to a term expiring 12/17.  
**Library Committee:** Margaret Sutphin, 44 Fox Run, Centerville, as a member to a term expiring 6/30/17. **Planning Board:** Steven Costello, 255 Scudder Road, Osterville as a regular member to a term expiring 6/30/18 **(May be acted upon)** ..... 9

**B. NEW BUSINESS**

2017-028 Resolve to rename Muddy Pond, (a Great Pond), to Crocker Pond within the Town of Barnstable, and that said resolution shall be forwarded to State Representative Randy Hunt, Fifth Barnstable District, for presentation to the Massachusetts Legislature at its January 2017 session. **(May be acted upon)**..... 10-11

2017-029 Approval of the change in care, custody, management control and purpose of three parcels of land, namely a ±27 acre portion of Tract 1 of the West Barnstable Conservation area shown on Assessors’ Map 86 as Parcel 1, a ±17 acre Parcel shown on Assessors’ Map 314 as Parcel 027001, and a ± 10 acre parcel shown on Assessors’ Map 147 as Parcel 006. **(May be acted upon) (Roll call 2/3 vote)** ..... 12-13

2017-030 Order to petition the General Court of the Commonwealth to enact Special Legislation approving the change in care, custody, management control and purpose of three parcels of land, namely a ±27 acre portion of Tract 1 of the West Barnstable Conservation area shown on Assessors’ Map 86 as Parcel 1 a ±17 acre parcel shown on Assessors’ Map 314 as Parcel 027001 and 10 acre parcel shown on Assessors’ Map 147 as Parcel 006. **(May be acted upon)**..... 14-16

2017-031 Allocation of Tax Levy Fiscal Year 2017 – Tax Factor **(First reading)**..... 17-18

2017-032 Allocation of Tax Levy Fiscal Year 2017– Residential Exemption **(First reading)**..... 19-20

2017-033 Authorization of contract for management oversight of land management activities at the Conant Property, located in West Barnstable, MA also known as Meeting House Farm, in excess of three years. **(May be acted upon)** ..... 21-22

2017-034 Appropriation Order in the amount of **\$1,435,000** for the Water Enterprise Fund Fiscal Year 2017 Operating Budget **(Refer to Public Hearing 11/17/16)**..... 23-24

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## Approve Minutes – October 20, 2016

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (May be acted upon) (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2015-005**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16,  
11/03/16**

**2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001**

**ORDERED:**

**SECTION 1:** That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation area having a street address of 875 Service Road shown on Assessors' Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable ) MA Prepared for the Town of Barnstable Prepared By: the Town of Barnstable – Department of Public Works (DPW) Survey Division Date: July 28, 2014 Scale: 1" = 80'" on file with the Town Clerk; and

**SECTION 2:** That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of Chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed's Hill Road shown on Assessors' Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

**SECTION 3:** That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under Section 1 of this order.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/15</u>	<u>Continued to 01/22/15</u>
<u>01/22/15</u>	<u>Continued to 05/21/15</u>
<u>05/21/15</u>	<u>Continued to 10/01/15</u>

10/01/1      Continued to 01/21/16

01/21/16      Continued to 07/21/16

07/21/16      Continued to 11/03/16

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2015-006**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16,  
11/03/16**

**2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001**

**ORDERED:** That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1:** The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on Assessors' Map 5 as Parcel 4, which was acquired by the Town and held by the Conservation Commission for conservation purposes pursuant to Section eight “C” of chapter forty of the General Laws and has been declared by the Conservation Commission to no longer be appropriate to be held by the Conservation Commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this Section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the Town of Barnstable Prepared By: the Town of Barnstable –Department of Public Works Survey Division, Date: July 28, 2014 Scale: 1” = 80”” on file in the office of the Town Clerk.

**SECTION 2:** To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the Conservation Commission for conservation purposes pursuant to Section eight “C” of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on Assessors' Map 314 as Parcel 027001, which was acquired by the Town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. Upon the transfer, as provided in Section 3, the parcel described herein shall be preserved as conservation land in accordance with said section eight “C”. The 17 acres more or less declared surplus in order to be transferred as provided in this Section 2 are further described as Lot 1 on plan of land recorded in the

Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

**SECTION 3:** The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

**SECTION 4:** This act shall take effect upon its passage.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/14</u>	<u>Continued to 01/22/15</u>
<u>01/22/15</u>	<u>Continued to 05/21/15</u>
<u>05/21/15</u>	<u>Continued to 10/01/15</u>
<u>10/01/15</u>	<u>Continued to 01/21/16</u>
<u>01/21/16</u>	<u>Continued to 07/21/16</u>
<u>07/21/16</u>	<u>Continued to 11/03/16</u>

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

## BARNSTABLE TOWN COUNCIL

**ITEM # 2015-006**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16,  
11/03/16**

### SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** August 4, 2014  
**SUBJECT:** Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ±16.3 acre portion of Tract 1 of the West Barnstable Conservation area shown on Assessors' Map 86 as Parcel 1 and a ±17 acre municipal parcel shown on Assessors' Map 314 as Parcel 027001

**BACKGROUND:** On December 11, 2012 the West Barnstable Shooting Range operation was suspended following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose following a letter from DCS to Barnstable Conservation Commission on September 23, 2013 involved removing the range from §8C jurisdiction. Subsequent meetings between DCS, Barnstable Conservation Committee, Town staff and Town Councilors resulted in the Town proceeding with said removal.

**ANALYSIS:** It was recommended that the Town proceed with the process of removing the shooting range parcel (±16.3 acres) from 8C jurisdiction. The Conservation Commission voted to remove the shooting range from 8C on June 24, 2014. The Town Manager offers the 17 acre municipal parcel for placement under §8C in exchange (provided the use of the Breeds Hill parcel for the "swap" does require DCS review and approval). A two-thirds vote of the Town Council and both branches of the State Legislature are needed to remove the range parcel from §8C purposes. The Town Council would also need a 2/3 vote to change the purpose of the 17 acre parcel Breed's Hill parcel from general municipal purposes to §8C purposes.

**FISCAL IMPACT:** The fiscal impacts of this action are minimal and limited to associated administrative costs.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney



**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-026**  
**INTRO: 10/20/16, 11/03/16**

**2017-026 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoint the following individuals to a multiple-member board/committee/commission: **Board of Governors of the Steamship Authority:** Robert R. Jones, as a representative member of Barnstable, to a term expiring 12/17. **Library Committee:** Margaret Sutphin, 44 Fox Run, Centerville, as a member to a term expiring 6/30/17. **Planning Board:** Steven Costello, 255 Scudder Road, Osterville as a regular member to a term expiring 6/30/18.

DATE	ACTION TAKEN
<u>10/20/16</u>	<u>First reading</u>
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-028  
INTRO: 11/03/16**

**2017-028 RESOLVE TO RENAME MUDDY POND, (A GREAT POND) TO CROCKER POND WITHIN THE TOWN OF BARNSTABLE AND THAT SAID RESOLUTION SHALL BE FORWARDED TO STATE REPRESENTATIVE RANDY HUNT, FIFTH BARNSTABLE DISTRICT, FOR PRESENTATION TO THE MASSACHUSETTS LEGISLATURE AT ITS JANUARY 2017 SESSION**

**RESOLVED,** That based on the support of the Barnstable Historical Commission, the Marstons Mills Historical Society and the Marstons Mills Village Association, the Town Council hereby affirms that it has no opposition to the request put forward by the Homestead Resident’s Association to change the name of Muddy Pond to Crocker Pond.

**SPONSOR:** Councilor John T. Norman, Precinct 12

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-028**  
**INTRO: 11/03/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 3, 2016  
**SUBJECT:** Resolve to rename Muddy Pond, (a Great Pond) to Crocker Pond within the Town of Barnstable and that said resolution shall be forwarded to State Representative Randy Hunt, Fifth Barnstable District, for presentation to the Massachusetts Legislature at its January 2017 session.

**BACKGROUND:** The name Muddy Pond was originally given to a body of water that is to the East of River Road in Marstons Mills; however, when that body of water dried up and became a cranberry bog (which it is today), the name was transferred to the body of water that is the subject of the case. So the name was transferred, since the name then being used, Hog Pond, had then been transferred from that body of water to another.

There are no other Crocker Ponds within the bounds of the Town of Barnstable. In fact, a search of records indicates that the historic Isaac Crocker house, dating back to 1750, still stands today at 330 Olde Homestead Drive within the subdivision. That house is probably the reason for the original naming of the pond as Crocker Pond.

In 1987, the name for Colonial Farm Circle was Crocker Pond Circle. In the plot plan for all houses within The Homestead, an open space subdivision within the Town, the body of water to the northwest clearly says "Crocker Pond," and was so named by the developer, Bayside Builders.

Muddy Pond as a label has been around a long time, though. At some point the interim name of Hog Pond got transferred to two bodies of water in Sandwich just over the Marstons Mills line, and on today's map, those two show as Hog Pond and Little Hog Pond.

To summarize the history of this Great Pond:

1. Original Name--Crocker Pond
2. Next Name--Hog Pond
3. Hog Pond as a name is transferred to another body of water
4. The name Muddy Pond is transferred from a dried up body of water to the body of water that is currently called Muddy Pond.

**VOLUNTEER ASSISTANCE:** Homestead Resident's Association

**B. NEW BUSINESS (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-029**

**INTRO: 11/03/16**

**2017-029 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF THREE PARCELS OF LAND, NAMELY A ±27 ACRE PORTION OF TRACT 1 OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1, A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001, AND A ± 10 ACRE PARCEL SHOWN ON ASSESSORS' MAP 147 AS PARCEL 006**

**ORDERED:**

**SECTION 1:** That, having received notice that the Barnstable Conservation Commission determined that the following parcel of land is no longer needed for the purposes set forth in Section 8C of Chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 27 acre, more or less, portion of Tract 1 of the West Barnstable Conservation area having a street address of 875 Service Road, West Barnstable, MA shown on Assessors' Map 86 as Parcel 1 taken by eminent domain pursuant to Chapter 79 for purposes of said Section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 27 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable ) MA" prepared for the Town of Barnstable by: The Town of Barnstable Department of Public Works Survey Division, Date: October 7, 2016 Scale: 1" = 100'"on file with the Town Clerk.

**SECTION 2:** That, having received notice that the Town Manager determined that the following two parcels of land containing 27 acres, more or less, are no longer needed for general municipal purposes, the care, custody, management and control of said parcels be transferred to the Barnstable Conservation Commission to be held for the purposes set forth in Section 8C of Chapter 40 of the General Laws of Massachusetts; namely the land having a street address of 145 Breed's Hill Road, Hyannis, MA shown on Assessors' Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and the land having a street address of 0 Nye Road, Centerville, MA shown on Assessors' Map 147 as Parcel 006 acquired by final Judgment in tax lien Case No. 88489 TL dated November 19, 1991 and recorded in said Registry in Book 7786, Page 300.

**SECTION 3:** That the aforesaid transfers take effect upon recording of an instrument or instruments together with the release of the aforesaid ±27acres from the oversight of the Self-Help Program under the Executive Office of Environmental Affairs, Division of Conservation Services by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under Section 1.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

**B. NEW BUSINESS (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-030**

**INTRO: 11/03/16**

**2017-030 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF THREE PARCELS OF LAND, NAMELY A ±27 ACRE PORTION OF TRACT 1 OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS' MAP 86 AS PARCEL 1, A ±17 ACRE PARCEL SHOWN ON ASSESSORS' MAP 314 AS PARCEL 027001 AND 10 ACRE PARCEL SHOWN ON ASSESSORS' MAP 147 AS PARCEL 006**

**ORDERED:** That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of three parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER THREE PARCELS OF LAND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1:** The Conservation Commission of the Town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 27 acre portion, more or less, of a larger parcel of land identified on Assessors' Map 314 as Parcel 027001, which was acquired by the town and held by the Conservation Commission for conservation purposes pursuant to Section 8 “C” of Chapter 40 of the General Laws and has been declared by the Conservation Commission to no longer be appropriate to be held by the Conservation Commission for such purposes. Upon the transfer as provided in Section 4 the Town of Barnstable shall be authorized to use the 27 acres, more or less, for general municipal purposes. The 27 acres, more or less, declared surplus in order to be transferred as provided in this Section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA” prepared for the Town of Barnstable by: the Town of Barnstable Department of Public Works, Survey Division, dated: October 7, 2016 Scale: 1” = 100’ on file in the office of the Town Clerk.

**SECTION 2:** To ensure a no net loss of lands protected for conservation purposes under Section 1, the Town Manager of the Town of Barnstable shall transfer the care, custody, management and control to the Conservation Commission for conservation purposes pursuant to Section 8 “C” of Chapter 40 of the General Laws of two parcels of land. The first parcel is identified on Assessors' Map 314 as Parcel 027001, which was acquired by the Town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. This parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. The second

parcel identified on Map 147 as Parcel 006 was also acquired by the Town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate for these purposes and none appropriate for conservation since it abuts conservation land and has substantial border on Lumbert Pond. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said Section 8 "C". The 27 acres, more or less, declared surplus in order to be transferred as provided in this Section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 2846, Page 129.

**SECTION 3:** The Town Manager shall not submit the aforesaid petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of three parcels of land in the Town until such time that the Town receives any required determinations from Secretary of Energy and Environmental Affairs under the Massachusetts Environmental Policy Act (M.G.L. Chapter. 30 §61-62I) and that a Memorandum of Understanding is executed between the Executive Office of Energy (EEA) and the Town of Barnstable relating to the aforesaid transfers.

**SECTION 4:** The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under Sections 1 and 2 following passage of this act.

**SECTION 5:** This act shall take effect upon its passage.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-030**  
**INTRO: 11/03/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** October 25, 2016  
**SUBJECT:** Order to petition the General Court of the Commonwealth to enact special legislation approving the change in care, custody, management control and purpose of three parcels of land, namely a ±27 acre portion of Tract I of the West Barnstable conservation area shown on Assessors' Map 86 as Parcel 1 a ±17 acre parcel shown on Assessors' Map 314 as Parcel 027001 and 10 acre parcel shown on Assessors' Map 147 as Parcel 006.

**BACKGROUND:** On December 11, 2012 the West Barnstable Shooting Range suspended operations following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose, following a letter from DCS to Barnstable Conservation Commission on September 23, 2013, involved removing the range from 8C jurisdiction. Subsequent meetings between DCS, Barnstable Conservation Commission, Town staff and Town Councilors resulted in the Town proceeding with said removal.

**ANALYSIS:** It was recommended that the Town proceed with the process of removing the shooting range parcel (±27 acres) from 8C jurisdiction. The Conservation Commission voted to remove the shooting range from 8C on June 24, 2014 and October 18, 2016. The Town Manager offers the 17 acre and 10 acre municipal parcels for placement under 8C in exchange. A two-thirds vote of the Town Council and both branches of the State Legislature are needed to remove the range parcel from 8 "C" purposes. The Town Council would also need a 2/3 vote to change the purpose of the 17 acre Breed's Hill, Hyannis, MA parcel and 0 Nye Road, Centerville, MA parcel from general municipal purposes to 8C purposes.

**FISCAL IMPACT:** The fiscal impacts of this action are minimal and limited to associated administrative costs.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney and T. David Houghton, First Assistant Town Attorney



**B. NEW BUSINESS (Refer to Public hearing 11/17/16)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-031  
INTRO: 11/03/16**

**2017-031 ALLOCATION OF TAX LEVY FISCAL YEAR 2017 – TAX FACTOR**

**RESOLVED**, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2017.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-031**  
**INTRO: 11/03/16**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** November 03, 2016  
**SUBJECT:** Allocation of Tax Levy Fiscal Year 2017 – Tax Factor

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 150%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”. Please see tax factor information handouts provided prior to the meeting.

**STAFF ASSISTANCE:** Mark Milne, Finance Director, Town of Barnstable; Jeff Rudziak, Director of Assessing, Town of Barnstable

**B. NEW BUSINESS (Refer to Public hearing 11/17/16)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-032**

**INTRO: 11/03/16**

**2017-032 ALLOCATION OF TAX LEVY FY17 – RESIDENTIAL EXEMPTION**

**RESOLVED**, that the Town Council hereby votes to adopt a Residential Exemption at the percentage of 20% for fiscal year 2017.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-032**  
**INTRO: 11/03/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** November 03, 2016  
**SUBJECT:** Allocation of Tax Levy FY17– Residential Exemption

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the residential property tax levy between property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the CIP class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 11 fiscal years. If a 20% exemption amount is repeated for the FY17 tax levy, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$960,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$960,000. Under this option, property tax savings are greater as the assessed value of the property declines (progressive) and the percentage exemption adopted increases. See the tax factor informational handouts provided prior to the meeting for actual numbers and analysis.

**STAFF ASSISTANCE:** Mark Milne, Finance Director, Town of Barnstable; Jeff Rudziak, Director of Assessing, Town of Barnstable

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-033**

**INTRO: 11/03/16**

**2017-033 AUTHORIZATION OF CONTRACT FOR MANAGEMENT OVERSIGHT OF LAND MANAGEMENT ACTIVITIES AT THE CONANT PROPERTY, ALSO KNOWN AS MEETING HOUSE FARM, IN EXCESS OF THREE YEARS**

**RESOLVED:** That the Town Council authorizes the Town Manager to solicit and award a contract for Management Oversight of land management activities at the Conant Property located in West Barnstable for a term of up to ten years, including any renewals or extensions, beginning January 1, 2017.

**SPONSOR:** Councilor Philip Wallace, Precinct 11

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-033**  
**INTRO: 11/03/16**

## SUMMARY

**TO:** Town Council  
**FROM:** David Anthony, Chief Procurement Officer  
**THROUGH:** Mark S. Ells, Town Manager  
**DATE:** November 3, 2016  
**SUBJECT:** Authorization of contract for Management Oversight of land management activities at the Conant Property, also known as Meeting House Farm, in Excess of Three Years

**BACKGROUND:** The Conant Property, located in West Barnstable, purchased in 2000, contains 26+ acres of open space land preserved for general passive recreation

**ANALYSIS:** Under General Laws Ch.30B, § 12(b), the Town Manager may not award a contract for a term exceeding thirty-six (36) months, including any renewal, extension, or option, without a majority vote of the Town Council.

Under this requested order, the Town Manager seeks to have the approval of the Town Council, to enter into a contract of up to 120 months, for the purposes of establishing a contract with an individual or group to manage the property, buildings and activities at the Conant Property. This would be the second ten year management contract at this location since the property was purchased, and would be the second time the Town Council has approved this kind of request for this property.

**FISCAL IMPACT:** The approval of this request would allow the Town to consider longer contracts and allow individuals or groups the ability to plan over a longer period for their proposed activities. The Request for proposals specifically lays out the activities that will be allowed as well as specifically identifying certain limits to commercial activity with a focus on welcoming the general public. The ability to contract with a qualified individual or group will allow the Town to manage the property without having to fully commit extensive resources to the management of the property and buildings. It is not anticipated that a management contract will produce large monetary returns to the Town, but rather will allow for creative and active management on a community level where motivated people and volunteers are able to maintain the property and monitor the activities.

**PROCUREMENT INFORMATION:** The Request for Proposal will be structured in such a way that proposers will be required to submit their business plans for the property. It will have clear milestones for progress that are contractually identified.

There is a positive budgetary impact in that the management contract will relieve the Town of some of the efforts and materials needed to maintain the property.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends authorization of the contract.

**B. NEW BUSINESS (Refer to Public Hearing 11/17/16)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #: 2017-034**

**INTRO: 11/03/16**

**2017-034 APPROPRIATION ORDER IN THE AMOUNT OF \$1,435,000 FOR THE WATER ENTERPRISE FUND FISCAL YEAR 2017 OPERATING BUDGET**

**ORDERED:** That the sum of **\$1,435,000** be appropriated and added to the sum of **\$5,270,312** under Town Council order **2016-134** for the purpose of funding the Fiscal Year 2017 Water Enterprise Fund operating budget, and that to fund this appropriation that the sum of **\$1,435,000** be transferred from the Water Enterprise Fund reserves.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM #: 2017-034**

**INTRO: 11/03/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 3, 2016  
**SUBJECT:** Appropriation Order in the amount of \$1,435,000 for the Water Enterprise Fund Fiscal Year 2017 Operating Budget

**BACKGROUND:** In 2015, the United States Environmental Protection Agency (USEPA)-mandated testing of the Hyannis Water System for Contaminants of Emerging Concern (CEC's) and identified the presence of perfluorinated compounds in the Mary Dunn wellfield that exceeded the *provisional* Federal Health Advisory for these compounds. Working with the Massachusetts Department of Environmental Protection (DEP), the Department of Public Works (DPW) leased and installed two granular activated carbon treatment systems on Mary Dunn wells #1 and #2 in June of 2015.

On May 19, 2016, the USEPA announced the *final* Federal Health Advisory for perfluorinated compounds in drinking water. The new advisory level was significantly lower than the provisional level. Consequently, Mary Dunn well #3, which was below the provisional level, now exceeded the final level. In response, the DPW leased and installed a third carbon treatment system to serve Mary Dunn well #3.

As the result of the final USEPA Health Advisory, the use of 3 wells at the Maher wellfield, that currently exceed the new standard, has been significantly curtailed. The Town has entered into an agreement with the Town of Yarmouth to provide water from their system through an interconnection in the vicinity of the Maher wellfield.

**ANALYSIS:** When the FY17 budget was prepared it was not anticipated that Mary Dunn well #3 and the Maher wells would be impacted as described. Consequently, additional operating funds are required to purchase water from Yarmouth (**\$985,000**) and Centerville-Osterville-Marstons-Mills Water Department (**\$110,000**) and to maintain and operate the carbon treatment system on Mary Dunn well #3 (**\$170,000**).

The Town maintains that the Barnstable County Fire Training Academy is the source of contamination in the Mary Dunn wellfield and potential source of contamination in the Maher wellfield. Continuing legal, expert witness and consulting services are necessary to prosecute the Town's claim (**\$170,000**).

**FISCAL IMPACT:** Funding for this project will be provided from cash reserves. The Department of Public Works is currently designing treatment systems for the Maher wells, which are planned to be on line by July 1, 2017. As a result, large water purchases from Yarmouth will not continue or be included in the Fiscal Year 2018 Operating budget. The Fiscal Year 2018 budget will, however include the operating and maintenance costs for the Mary Dunn well #3 treatment system.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the appropriation.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works